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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

JUN 29 2016

DOCKET NO. WS-02987A-16-0181

NICK MYERS,

Complainant,

DOCKETED BY

KG

vs.

JOHNSON UTILITIES, LLC,

Respondent.

PROCEDURAL ORDER
(Schedules Procedural Conference)

BY THE COMMISSION:

On June 7, 2016, Nick Myers (“Mr. Myers” or “Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint (“Complaint”) against Johnson Utilities, LLC (“Johnson” or “Company” or “Respondent”), alleging that Johnson has abandoned a previous commitment to construct distribution lines to provide potable water service to customers that previously relied upon service from the Company’s discontinued standpipe operation. As relief, Mr. Myers requests that the Commission order the Company to install the aforementioned distribution lines in an expedited manner. In the alternative, Mr. Myers requests that the Commission order the Company to resume its standpipe operation. Further, Mr. Myers requests that the Company be ordered to provide a response to the Complaint no later than seven days.

On June 13, 2016, Mr. Myers filed a Motion for Expedited Processing requesting that the Commission process this matter in an expedited manner and schedule a hearing as soon as possible. Mr. Myers states that the “community cannot wait all summer to have a solution in place” to address the allegations that the Company is not providing adequate water service.

On June 16, 2016, the Company filed a Response to Nick Myers’ Motion for Expedited

Processing arguing that emergent circumstances do not exist because no one is currently without water. According to the Company, this matter should be processed in the normal course of formal complaints.

On June 21, 2016, Mr. Myers filed a Request for Email Service consenting to service of all future filings in this docket by email.

On June 24, 2016, Mr. Myers filed a Rebuttal to Johnson Utilities' Response to Motion for Expedited Processing.

Accordingly, it is necessary to schedule a procedural conference to discuss an appropriate procedural schedule in this matter, including Mr. Myers' Motion for Expedited Processing. It is also necessary to direct the Commission's Utilities Division ("Staff") to participate in the procedural conference.

IT IS THEREFORE ORDERED that a **procedural conference** in this matter shall be held on **July 14, 2016, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that **Staff is directed to appear** for the procedural conference.

IT IS FURTHER ORDERED that **Johnson Utilities, LLC** shall file its **Answer** to the Complaint **on or before July 5, 2016**.

IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this matter may opt to receive service of all filings in this docket, including all filings by parties and all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the Commission's Hearing Division, via email sent to an email address provided by the party rather than via U.S. Mail. To exercise this option, a party shall:

1. Ensure that the party has a valid and active email address to which the party has regular and reliable access ("designated email address");
2. Complete a Consent to Email Service using the form available on the Commission's website (www.azcc.gov) or a substantially similar format;
3. File the original and 13 copies of the Consent to Email Service with the Commission's Docket Control, also providing service to each party to the service list;

- 1 4. Send an email, containing the party's name and the docket number for this matter, to
2 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
3 the Hearing Division to verify the validity of the designated email address;
- 4 5. Understand and agree that service of a document on the party shall be complete upon
5 the sending of an email containing the document to the designated email address,
6 regardless of whether the party receives or reads the email containing the document;
7 and
- 8 6. Understand and agree that the party will no longer receive service of filings in this
9 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
10 and until the party withdraws this consent through a filing made in this docket.

11 IT IS FURTHER ORDERED that a party's consent to email service shall not become effective
12 until a Procedural Order is issued approving the use of email service for the party. The Procedural
13 Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing
14 Division has verified receipt of an email from the party's designated email address.

15 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter
16 via email does not change the requirement that all filings with the Commission's Docket Control must
17 be made in hard copy and must include an original and 13 copies.

18 IT IS FURTHER ORDERED that **Mr. Myers' Request for Email Service** to receive service
19 of all filings in this docket, including all filings by parties and all Procedural Orders and Recommended
20 Opinions and Orders/Recommended Orders issued by the Commission's Hearing Division, via his
21 designated email address rather than U.S. Mail, is hereby **granted**.

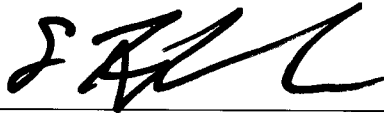
22 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
23 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
26 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
27 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
28

discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or Commission.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at the hearing.

DATED this 29th day of June, 2016.



SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 29th day of June, 2016 to:

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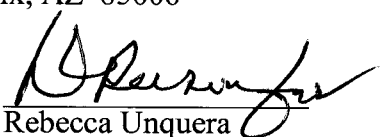
Consented to Service by Email

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